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**UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

SHILO HAMACHER,

Plaintiff,

v.

GC SERVICES, LP.,

Defendant.

NO. 2:12-cv-2025

PLAINTIFF'S COMPLAINT
(Unlawful Debt Collection Practices)

SHILO HAMACHER (Plaintiff), through his attorneys, alleges the following against GC SERVICES, LP., (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act (FDCPA), *15 U.S.C. 1692, et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
3. Defendant conducts business in the State of Washington and, therefore, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person residing in Marysville, Snohomish County, Washington.
6. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*.
7. According to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.

1 8. Defendant is a business entity located at 6330 Gulfton, Houston Texas.

2 9. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)* and sought to
3 collect a consumer debt from Plaintiff.

4 10. Defendant acted through its agents, employees, officers, members, directors, heirs,
5 successors, assigns, principals, trustees, sureties, subrogees, representatives, and
6 insurers.

7 **FACTUAL ALLEGATIONS**

8 11. In September and October of 2012, Defendant placed collection calls to Plaintiff seeking
9 and demanding payment for an alleged consumer debt.

10 12. Plaintiff's alleged debt owed arises from transactions used for personal, family, and
11 household purposes.

12 13. Defendant called Plaintiff's telephone number at 425-244-79XX.

13 14. On September 25, 2012, Defendant called Plaintiff and left a voicemail message on
14 Plaintiff's answering machine. *See* transcribed voicemail message attached hereto as
15 Exhibit A.

16 15. In the voicemail message, Defendant's representative, "John Frick" failed to
17 meaningfully disclose the company's name or the nature of the call or state that the call
18 was from a debt collector. *See* Exhibit A.

19 16. In the voicemail message, Defendant's representative, "John Frick", directed Plaintiff to
20 call him back at 1-314-851-4383, which is a number that belongs to Defendant. *See*
21 Exhibit A.

22 17. On October 3, 2012, Defendant called Plaintiff and left a second voicemail message on
23 Plaintiff's answering machine. *See* transcribed voicemail message attached hereto as
24 Exhibit B.

25 18. In the voicemail message, Defendant's representative, "Ms. Williamson" failed to

1 meaningfully disclose the company's name or the nature of the call or state that the call
2 was from a debt collector. *See* Exhibit B.

3 19. In the voicemail message, Defendant's representative, "Ms. Williamson", directed
4 Plaintiff to call her back at 1-314-851-4383, which is a number that belongs to
5 Defendant. *See* Exhibit B.

6 20. Defendant is using false, deceptive and misleading means in connection with attempting
7 to collect a debt by not identifying the purpose of its phone calls or that they are an
8 attempt to collect a debt.

9 **COUNT I**
10 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

11 1. Defendant violated the FDCPA based on the following:

12 a. Defendant violated § 1692d of the FDCPA by engaging in conduct the natural
13 consequence of which is to harass, oppress, or abuse the Plaintiff in connection
14 with the collection of a debt.

15 b. Defendant violated § 1692d(6) of the FDCPA by placing telephone calls without
16 meaningful disclosure of the caller's identity because Defendant did not provide
17 the identity of the caller or the nature of the debt.

18 c. Defendant violated § 1692e of the FDCPA by using false, deceptive or
19 misleading representation with the collection of the debt.

20 d. Defendant violated § 1692e(10) of the FDCPA by using deceptive means in an
21 attempt to collect a debt.

22 e. Defendant violated § 1692e(11) of the FDCPA by failing to disclose that the call
23 was from a debt collector.
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1 WHEREFORE, Plaintiff, SHILO HAMACHER, respectfully requests judgment be
2 entered against Defendant, GC SERVICES, LP., for the following:

- 3 2. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15*
4 *U.S.C. 1692k*;
- 5 3. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
6 *15 U.S.C. 1692k*; and
- 7 4. Any other relief that this Honorable Court deems appropriate.
- 8

9 RESPECTFULLY SUBMITTED,

10 By: /s/ Sharon Cousineau
11 Sharon Cousineau
12 700 W. Evergreen Blvd.
13 Vancouver, WA 98660
14 360-750-3789
15 sd cousineau@gmail.com
16 Attorney for Plaintiff
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